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Paper No.24

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Director's Office
Office of Patent Publication

In re Application of :
Pita Witehira, et al. :
Application No. 09/622,535 :
Filed: November 22, 2000 :
Attorney Docket No. 08059.002-00000 :

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent and Trademark Office (USPTO) on September 24, 2003, supplemented by the communication received December 16, 2003.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file formal drawings as required in the Notice of Allowability, mailed April 21, 2003.

Petitioner has submitted a copy of the Submission Of Formal Drawings with seven (7) sheets of drawings, and a copy of the returned postcard, which acknowledges receipt of the aforementioned items on June 10, 2003, as evidenced by the "Office Date" stamp receipt thereon. The formal drawings, acknowledged as having been received on June 10, 2003, are not of record in the application file and cannot be located. However, MPEP 503 states the following:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon on the date stamped thereon by the PTO.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

Since, the original drawings cannot be located, the drawings supplied with the instant petition will be used in place thereof.

The application will be forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries relating to this matter may be directed to the undersigned in the Office of Patent Publication at 703-305-8380.



Thomas Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publication